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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/883,934	06/20/2001	Dusic Kwak		3722

7590 11/22/2005  
Dusic Kwak  
7003- B Evergreen Court  
Annandale, VA 22003

EXAMINER

BEKERMANN, MICHAEL

ART UNIT PAPER NUMBER

3622

DATE MAILED: 11/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.		Applicant(s)	
	09/883,934		KWAK, DUSIC	
	Examiner		Art Unit	
	Michael Bekerman		3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____.  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>6/20/2001</u> .   | 6) <input type="checkbox"/> Other: ____.                                    |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed 06/20/2001 has been placed in the application file, but contains no references. Therefore, no IDS information has been considered.

### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 4a, 4b, 4i, 13, 14a, 14b, and 14i. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

3. The abstract of the disclosure is objected to because it is longer than 150 words. Correction is required. See MPEP § 608.01(b).

***Claim Objections***

4. Claim 5 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 5 requires the incentives package to be offered at a fee. Claim 5, however, depends from claim 1, which states that the incentives package is cost free.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. **Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

The term "mid-sized", used numerous times throughout claim 1 is a relative term which renders the claim indefinite. The term "mid-sized" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one

of ordinary skill in the art would not be reasonably apprised of the scope of the invention. It is unclear as to what makes a website qualify as mid-sized.

7. The term "low-cost" in claim 1(h) is a relative term which renders the claim indefinite. The term "low-cost" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. It is unclear as to what price personnel is paid to make them qualify as low-cost.

8. The term "at little or no labor" in claim 1(h) is a relative term which renders the claim indefinite. The term "at little or no labor" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. It is unclear as to how much labor could qualify as little.

9. The terms "operates culturally, economically, and geographically" in claim 1(a) are relative terms which render the claim indefinite. The terms " operates culturally, economically, and geographically " are not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. It is unclear as to how exactly a community would go about operating culturally, economically, and geographically.

10. The term "economically situated" in claim 1(h) is a relative term which renders the claim indefinite. The term "economically situated" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one

of ordinary skill in the art would not be reasonably apprised of the scope of the invention. It is unclear as to what limitations should be met for a potential operator group to be considered economically situated.

11. The term "low fee" in claim 2 is a relative term which renders the claim indefinite. The term "low fee" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. It is unclear as to how high a fee can be to still qualify as low.

**12. Claims 1-8 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.**

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

### ***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. **Claims 1 and 3-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over www.insidecollege.com in view of www.myfreecom.com.** Applicant admits that www.insidecollege.com is a website that consolidates pre-existing commercial websites of college newspapers and provides them with free website software. Examiner used www.archive.org to view a February 2001 cached copy of www.insidecollege.com.

**Regarding claim 1 parts (a) and (b),** official notice is taken that it is well known to perform market research on potential users of a service. It is also well known to choose different parameters on which to judge qualified users (such as population). It would have been obvious to one having ordinary skill in the art at the time the invention was made to perform market research and select a community in which a marketing campaign would begin. This would give www.insidecollege.com a starting point on which to being a marketing campaign.

**Regarding claim 1 part (c),** www.insidecollege.com markets the software program towards college newspapers. Due to the target market, Examiner considers www.insidecollege.com to have already determined what type of template website application is needed.

**Regarding claim 1 part (d),** www.insidecollege.com has a prepared template website application (E-commerce Suite 2.0) available for it's members.

**Regarding claim 1 part (e),** the incentives package of www.insidecollege.com does not offer to host a webpage, nor does it give permission to a college newspaper to keep all revenue generated by the webpage. www.myfreecom.com gives an incentive

package including free web development and free web hosting (Paragraph 2 in related article). [www.myfreeecom.com](http://www.myfreeecom.com) also offers these features free of cost and with no strings attached (Paragraphs 3 and 6 in related article). It would have been obvious to one having ordinary skill in the art at the time the invention was made to offer any type of incentives package (including the one specified by [www.myfreeecom.com](http://www.myfreeecom.com)) to a college newspaper. This would allow for a greater possibility of a college newspaper joining up with [www.insidecollege.com](http://www.insidecollege.com).

**Regarding claim 1 parts (f) and (g),** official notice is taken that these are well-known methods of listing, ordering, and selecting (in relation to the order) criteria in order to determine the most adequate target market. It would have been obvious to one having ordinary skill in the art at the time the invention was made to arrange qualified communities by the most qualified, and then to choose the most qualified community to begin the marketing campaign. This would allow for a higher success rate of the marketing campaign of [www.insidecollege.com](http://www.insidecollege.com).

**Regarding claim 1 parts (h) and (i),** official notice is taken that these are well known methods of listing, ordering, and selecting (in relation to the order) criteria in order to further narrow the most adequate target. It is also well known to choose different parameters on which to judge qualified users (such as economic standing, or college). It would have been obvious to one having ordinary skill in the art at the time the invention was made to further narrow the market research to select a the best qualified commercial or non-commercial entity. This would allow for a higher success rate of the marketing campaign of [www.insidecollege.com](http://www.insidecollege.com).



**Regarding claim 1 parts (j), (l), and (m),** applicant admits that www.insidecollege.com offers an incentive package to college newspapers, cost free, in exchange for the use of website traffic. By providing the E-commerce Suite 2.0 software to a college newspaper, www.insidecollege.com is assisting in the set-up and running of the newspaper website.

**Regarding claim 1 part (k),** official notice is taken that it is well known to select another target entity should the original target entity not agree to the terms and conditions of a relationship. It would have been obvious to one having ordinary skill in the art at the time the invention was made to choose another college should the intended college reject the license agreement. This would allow www.insidecollege.com to have a backup plan should the original plan fall through.

**Regarding claim 1 part (n),** official notice is taken that it is well known to market towards all communities included on the original target marketing list. It would have been obvious to one having ordinary skill in the art at the time the invention was made to market website solution software to more than one community on a target marketing list. This would allow www.insidecollege.com to gain more benefit from the software package that is being distributed.

**Regarding claim 1 part (o),** www.insidecollege.com is a consolidated commercial website that uses website traffic from college newspaper sites.

**Regarding claim 3,** the E-commerce Suite 2.0 offered by www.insidecollege.com is considered a non-monetary incentive. The enhanced ability

to make more money through advertisement revenue is considered a monetary incentive, which is also offered by [www.insidecollege.com](http://www.insidecollege.com).

**Regarding claim 4,** [www.insidercollege.com](http://www.insidercollege.com) only offers the website template application in the incentives package. [www.freeecom.com](http://www.freeecom.com) also offers many other features including email (Paragraph 7 in related article). It would have been obvious to one having ordinary skill in the art at the time the invention was made to offer more incentives to a college newspaper. This would allow for a greater possibility of a college newspaper joining up with [www.insidecollege.com](http://www.insidecollege.com).

**Regarding claim 5,** the condition that [www.insidecollege.com](http://www.insidecollege.com) may use college newspaper traffic is considered a fee.

**Regarding claim 6,** the license is received by [www.insidecollege.com](http://www.insidecollege.com) at a fee. The providing of an incentives package to the college newspaper is considered a fee.

**Regarding claim 7,** official notice is taken that it is well known to market to as many different communities as possible. It would have been obvious to one having ordinary skill in the art at the time the invention was made to select more than one type of community. By developing and marketing to more than one community, more money could be made for [www.insidecollege.com](http://www.insidecollege.com).

**Regarding claim 8,** [www.insidecollege.com](http://www.insidecollege.com) offers both Advertising Agency and E-commerce Suite as template website applications.

***Conclusion***

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following reference is cited to further show the state of the art in reference to E-commerce platform providers:

U.S. Pub. No. 2001/0032154 to Schummer

The following reference is cited to further show the state of the art in reference to free web creation and hosting services:

Heltzel, Paul. "Homestead Helps Build Sweet Home Page". PC World.com. Feb 21, 2000. Pg. 1.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Bekerman whose telephone number is (571) 272-3256. The examiner can normally be reached on Monday - Friday, 7:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric W. Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3622

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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JEFFREY D. CARLSON  
PRIMARY EXAMINER